

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE T. VICKERS, JR., JD-4279,)
Petitioner,)
)
)
v.) 2:15-cv-432
)
MICHAEL WENEROWICZ, et al.,)
Respondents.)

MEMORANDUM and ORDER

Mitchell, M.J.:

George T. Vickers, an inmate at the State Correctional Institution at Graterford has presented a petition for a writ of habeas which was filed on April 21, 2015 (ECF No.4). Service was ordered and on May 4, 2015 was effectuated (ECF No.11). On May 22, 2015 respondents filed a motion to dismiss (ECF No.13) which was denied on June 17, 2015 (ECF No.22). Pursuant to Rule 12(a)(4) F.R.Civ.P., a responsive pleading was due on or before July 1, 2015.

Because the respondents failed to submit an appropriate opposition despite the expiration of well over fourteen days, it appeared that they did not oppose the granting of the instant petition. Accordingly, on August 24, 2015, it was ordered that on or before August 28, 2015 the respondents show cause, if any, why the relief sought should not be granted. As no response was received it appears that the respondents continue to not oppose granting relief here.

Accordingly, this 31st day of August, 2015, IT IS ORDERED that the petition of George T. Vickers, Jr. for a writ of habeas corpus is GRANTED, and he is ordered discharged from custody unless the Commonwealth retries him within ninety (90) days.

s/ Robert C. Mitchell
United States Magistrate Judge

cc: Attorney General of Pennsylvania
Warden, SCI Graterford